

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

28876

**FILE:** B-215260**DATE:** July 23, 1984**MATTER OF:** Jones Seeding & Sprigging Co.**DIGEST:**

When contract is properly awarded under the small purchase procedures, but actual value of work performed exceeds \$10,000 limit, agency may pay for unforeseen additional work at original unit prices.

The Soil Conservation Service (SCS), Department of Agriculture, requests an advance decision on payment of a claim submitted by Jones Seeding & Sprigging Co. for plunge basin repair at the Jack Creek Watershed Project. The claim arises from a purchase order issued by the SCS office in Stillwater, Oklahoma. We find that the contract was properly awarded under the small purchase procedures, applicable at the time to procurements that do not exceed \$10,000, and that SCS may pay Jones for the additional work performed, even though it exceeds that amount.

Original quantities and unit prices for equipment, materials, labor, and incidentals required to perform the erosion control measures at Jack Creek Watershed were as follows:

<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Amount</u>
Mobilization	1	\$1,500	\$1,500
Earthfill embankment	90	\$ 4/cu. yd.	360
Riprap	134	40/cu. yd.	5,360
Riprap bedding	52	40/cu. yd.	2,080
		Total	\$9,300

Accordingly, SCS awarded Jones a fixed price contract for this amount.

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Actual quantities, however, differed from those estimated by SCS. By completion in August 1983, Jones had provided 195 additional cubic yards of earthfill embankment, 12 cubic yards of additional riprap, and 10 fewer cubic yards of riprap bedding; it also had billed SCS \$35 for one hour's use of miscellaneous equipment. The total value of work performed by Jones--at the original unit prices--amounts to \$10,195. The purchase order was amended to that amount, but SCS has paid Jones only \$10,000, as it believes it does not have authority to pay the additional \$195 under the applicable regulation which limited small purchases to those not exceeding \$10,000. See Federal Procurement Regulations, 41 C.F.R. § 1-3.600 (1983).

We find that the SCS may pay Jones' \$195 claim. At the time the original purchase order was executed, quantity estimates were in fact within the \$10,000 small purchase authority. The Jack Creek Watershed Project engineer states that the higher final cost of the procurement is due both to more detailed surveys than were available when the original quantities were calculated and to additional wash-out that occurred after the project was surveyed.

The limitation on use of the small purchase procedures governs the procedures used in awarding a contract. We do not believe it has applicability to a contract already awarded which, for appropriate reasons, must be modified. Here, the original award, at \$9,300, was properly made under the small purchase authority, and we see no reason why the contract may not now be modified to cover the additional work made necessary by unforeseen circumstances.

Accordingly, SCS is authorized to pay Jones' claim.

*Milton F. Arolan*  
for Comptroller General  
of the United States